

## **REMARKS/ARGUMENTS**

### AMENDMENT TO THE SPECIFICATION

Applicant's undersigned attorney is herewith updating the respective and related application serial number to the related applications that were contemporaneously-filed on June 23, 2003.

### INFORMATION DISCLOSURE STATEMENT

Applicant's undersigned attorney herewith submit an Information Disclosure Statement citing the references from pending related-applications herein identified in the "Cross-Reference to Related Applications" section of the Specification.

Claims 1, 2, 4, 11-17, 19, 20, 22-24, 26, 33-39, 41, 42 and 44 are rejected under 35 USC 102(e) as being anticipated by US patent 6,940,545 to Ray et al. Each of these claims, as now amended, is allowable because Ray et al. do not disclose each and every element of any of these claims.

With regard to claim 1, Ray et al. do not disclose to determine and adjust relative exposure or size, or both, of pixels corresponding to a face in a post-image capture process. At column 5, lines 27-30, Ray et al. disclose an exposure control algorithm that determines settings from the measuring frame for image exposure control so that faces are properly exposed, and in conjunction a flash control to determine whether or not to fire a flash. At column 8, lines 29-32, Ray et al. disclose to indicate to a user that faces are too small by suggesting that the camera be moved closer to the main subject. These are performed by a camera according to Ray et al. prior to capturing a digital image in order to enhance the acquisition process, whereas claim 1, as now amended, relates to post-image capture processing. Moreover, Ray et al. do not disclose to determine and adjust relative exposure or size of a face in a digital image in a post-

image capture process, wherein it is understood that use of the term "relative" indicates that the exposure or size of the face is adjusted relative to another portion or other portions of the rest of the captured image.

Claims 2, 4 and 11-14 are allowable as being dependent from amended claim 1. Claim 15 is allowable for the same reasons as claim 1. Claims 16-17, 19-20 and 22 are allowable as being dependent from claim 15. Claim 23 is allowable for the same reasons as claim 1. Claims 24, 26 and 33-36 are allowable as being dependent from claim 23. Claim 37 is allowable for the same reasons as claim 1. Claims 38, 39, 41, 42 and 44 are allowable as being dependent from claim 37.

Claims 14 and 36 are allowable for the additional reason that Ray et al. only disclose to determine that a largest face is most important for exposure control. This may amount to the camera of Ray et al. estimating a high importance of this largest face region. The idea is that the exposure of other portions of the image may be less than optimal. Ray et al. only contemplate overall exposure, and do not disclose any means for adjusting a relative exposure of a face. Moreover, Ray et al. do not disclose manual adjustment of the estimated importance of a detected region, such as a face, as required by Claims 14 and 36.

Claims 3 and 25 are rejected under 35 USC 103(a) as being unpatentable over Ray et al. Claims 3 and 25 are allowable as being dependent respectively from claims 1 and 23, as now amended, for the reasons set forth above.

Claims 5-10, 18, 21, 27-32, 40 and 43 are rejected under 35 USC 103(a) as being unpatentable over Ray et al. in view of US patent no. 7,034,848 to Sobol et al. This rejection is respectfully traversed. No combination of Ray et al. and Sobol et al. teaches or suggests all of the elements of any of these claims. The Examiner concedes that Ray et al. is silent regarding manually removing one or more groups of pixels

corresponding to an image of a face. The Sobol reference only teaches to automatically crop faces that appear at edges of images or that are at least not close to the center of an image. Thus, Sobol does not teach or suggest the manual removal of faces, as required at each of claims 5-10, 18, 27-32, and 40.


With regard to claims 6, 21, 28 and 43, Sobol also does not teach or suggest the manual removal of a false indication of a face. This advantageous feature allows a user to remove a false indication that some other object such as a basketball or a dinner plate is to be considered as a face, e.g., for further processing.

The Commissioner is authorized to charge any deficiencies in fees and credit any overpayment of fees to Deposit Account No. 50-2019. **A duplicate page is enclosed.**

Respectfully submitted,

JACKSON & CO., LLP

Dated: January 12, 2007

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